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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,130	06/25/2004	Ryosuke Miyamoto	03500.017020.	7158
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EXAMINER				
ZHU, RICHARD Z				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/500,130

Applicant(s)

MIYAMOTO, RYOSUKE

Examiner

RICHARD Z. ZHU

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-7, 12, 17, 20-22, 24 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-7, 12, 17, 20-22, 24, and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgement

1. Acknowledgement is made of applicant's amendment made on 03/30/2010. Applicant's submission filed has been entered and made of record.

Status of the Claims

2. Claims 1, 3, 5-7, 12, 17, 20-22, 24, and 26-29 are pending.

Response to Applicant's Arguments

3. In light of the amendments to the claims, previous grounds of rejections are withdrawn in favor of new grounds of rejections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 12, 20 and 26 are rejected under 35 USC 103(a) as being unpatentable over *Alsop* (US 6795829 B2) in view of *Baker* (US 7127433 B2).

Regarding the apparatus of Claim 1 and therefore the method of Claim 12, Alsop discloses an information processing apparatus for managing an image processing apparatus (Fig 1 and see Col 3, Rows 50-60, **central computer 2 maintaining a database for managing a plurality of printers**) having a plurality of operation modes including a first operation mode for outputting image data and a second operation mode for outputting print data (Col 5, Rows 38-43, **a plurality of operation power consumption modes**), the information processing apparatus comprising:

a counting unit that counts a page outputting number for the first operation mode (Col 8, Rows 35-42 and see Col 10, Row 54 – Col 11, Row 8, **a processor executing program codes for calculating a printer's page count base on a desired time unit. The examiner notes that the processor serves the function of distinct units require by the instant claim**);

a timing unit that times an operation time for the second operation mode (Col 9, Rows 50-52, **determining the amount of time a given printer is in each of its various power consumption modes**);

a memory unit (Col 3, Rows 50-54, **a storage in computer 2 that stores a database of information**) that stores a power consumption amount per page for the first operation mode (Col 9, Rows 28-40, **per page cost includes variable cost, i.e., power consumption per page + fixed cost per page = per page cost; Col 9, Rows 48-50. Thus, variable cost per page = power consumption per page**) and a power consumption amount per unit time for the second operation mode (Col 9, Rows 48-57, **if in printer mode, power consumption**

per page could be calculated by setting amount of time to time it takes to print one page. In other modes, powers are calculated by amount of time in said mode multiply by power consumption rates in said mode. One would do this because Alsop suggested that one could set time unit to whatever one desires, Col 8, Rows 40-42);

a calculation unit that calculates a power consumption amount of the image processing apparatus by multiplying the power consumption amount per unit time stored by said memory unit and the operation time timed by said timing unit **(Col 9, Rows 50-55, determining the amount of time a given printer is in each of its various power consumption modes to thereby multiply the time values by power consumption rates in the particular modes to calculate total power consumed in each mode); and**

a preparation unit that prepares statistical information concerning the power consumption amount of the image processing apparatus calculated by said calculation unit **(Col 8, Rows 10-13, collecting data to make a database).**

Although *Alsop* discloses power consumption amount per page is calculated from total cost **(including variable cost or power consumption amount)** of item per desired time unit divided by counted page outputting numbers per said desired time unit, *Alsop* does not suggest the calculation unit calculates a power consumption amount of the image processing apparatus by multiplying the power consumption amount per page stored by said memory unit and the page outputting number counted by said counting unit.

Baker, in the art of generating pricing / cost statistical data for managing a fleet of computer printer devices, suggests that the total cost of consuming a service of an image

processing apparatus for a desired time unit (**See abstract, contract time period**) can be calculated by multiplying a rate cost per page with number of pages counted (**Col 5, Rows 12-38, “Quantity” refers to number of printers in question and “term” being contract time period**).

One of ordinary skill in the art at the time of the invention would've recognize *Alsop* suggests the mathematic relationship that defines a power consumption amount as the result of multiplying the power consumption amount per page and page outputting number counted through simple mathematical inductions. Further, given the more accurate value for per page cost, one of ordinary skill in the art at the time of the invention would've been inspired by *Baker* to calculate a more accurate total power consumption amount by multiplying power consumption amount per page (**parallels Baker's PM cost per page**) with page outputting number counted (**parallels Baker's “No. Pages per unit” while holding variable Quantity to 1 for the printer in question and term to whatever desired time unit as suggested by Alsop, Col 8, Rows 40-42**) so that one could calculate power consumption statistic for a desired number of pages one would wish to print in order to deduce the pricing data for printer services of a fleet of printers.

Regarding a computer readable storage medium having storing a program to be executed by the information processing apparatus, *Alsop* discloses the same (**Col 10, Rows 58-62**).

Regarding Claims 20 and 26, *Alsop* discloses wherein the plurality of operation modes includes a standby mode and a sleep mode (“waiting” and “power save”, see Col 5, Rows 40-41).

6. Claims 5, 7, 21, 23, 25 and 27-29 are rejected under 35 USC 103(a) as being unpatentable over the combination of *Alsop* (US 6795829 B2) and *Baker* (US 7127433 B2) in view of *Furukawa* (US 6029238 A).

Regarding Claims 28-29, the combination does not disclose a specifying unit as required.

Furukawa discloses an information processing apparatus for managing an image processing apparatus (Fig 1, digital copiers 15 or 16 managed by WS1 or WS2) having a plurality of operation modes, the information processing apparatus has a specifying unit (Col 8, Rows 17-25 and see Fig 5, printer manager 105) that specifies user identification information which identifies at least one of a user that uses the image processing apparatus (Fig 30, status output of a copier comprising information pertaining to a “User”) and a department to which the user belongs (Fig 30, “Dealer”);

a calculation unit calculates a power consumption amount of the image processing apparatus for the specified user identification information specified by said specifying unit (Fig 30, “Consumptive Power” and “User” in view of Col 21, Rows 55-56. Because the CPU is disclosed to be in control of everything, the CPU is presumed to have made the calculations as shown on Fig 30), and

a preparation unit prepares statistical information concerning the power consumption amount of the image processing apparatus for the specified user identification information (Fig 5, Printer Manager 105 and see Col 8, Rows 17-25 and Col 9, Rows 3-14, a printer manager sends status information, such as the table in Fig 30, to host computer when requested to do so by the host computer or within a predetermined time period where the host computer prepares it for presentation on a display).

Given the need of *Alsop* for generating a database containing valuable printer statistics and status, one of ordinary skill in the art at the time of the invention would've look to *Furukawa* to implement software codes for printer manager so as to collect statistics that specifies a user of a specific printer who is responsible for the processing being done at said printer. This combination would result in higher printing efficiency because the data collected reflects a specified user's purpose of said printer (*Furukawa*, Col 1, Rows 54-59).

Regarding Claims 5, 7 and 23, 25, the combination discloses wherein said output unit sends the prepared statistical information concerning power consumption to a terminal apparatus external to the image processing apparatus as a markup language (Col 4, Rows 20-25, to external computer 2);

wherein said output unit outputs the prepared statistical information concerning power consumption to a display unit during designated processing for designating the operation mode or during execution of the operation mode (Fig 1, central computer 2 has a monitor for displaying prepared statistical information).

7. Claims 3 and 22 are rejected under 35 USC 103(a) as being unpatentable over the combination of *Alsop* (US 6795829 B2) and *Baker* (US 7127433 B2) in view of *Furukawa* (US 6029238 A) and *Kajita et al.* (US 6069706 A).

Regarding Claims 3 and 22, *Alsop* discloses wherein the plurality of operation modes includes a power control mode ("**power save**", see Col 5, Rows 40-41).

Alsop does not suggest statistical information is prepared by not associating the power consumption amount in the power control mode with the specified user information.

However, *Kajita* teaches an image processing apparatus comprising a memory (Fig 16, see Col 16, Rows 30-42 and Col 17, Rows 16-23) for managing device information and user/client information (Fig 18 and see Col 17, Row 55 - Col 18, Row 3) to be associated with operations performed in a plurality of image processing modes (Fig 19, Col 18, Rows 8-44, for example, in scanning, image data are scanned and associated with the client on the basis of the stored information pertaining to the client). When a current user who is currently registered with the apparatus via an external host does not operate the apparatus for a long period of time, the apparatus releases the external host and therefore its registered status and thereafter goes into a power control mode such as a standby mode (Col 26, Rows 1-8).

According to *Kajita*, holding access to an external host is meaningless when the apparatus is in power control modes (Col 25, Rows 55-60), one of ordinary skill in the art at the time of the invention would've modify the apparatus of *Furusawa* with this feature such that an external user's access to the apparatus is released along with the specified user

identification information when the image processing apparatus enters into standby mode.

The motivation, as suggested by *Kajita*, it is simply meaningless to hold a user as a registered user if the apparatus is not being used by the user.

8. Claims 6 and 24 are rejected under 35 USC 103(a) as being unpatentable over the combination of *Alsop* (US 6795829 B2) and *Baker* (US 7127433 B2) in view of *Nakata et al* (US 7227659 B2).

Regarding Claims 6 and 24, *Alsop* discloses wherein the first operation mode is a printer mode (Col 5, Row 41 "printing").

Alsop does not suggest the second mode includes a send mode.

Nakata discloses a network printer manage by an external server (**Fig 1 and Fig 6**) wherein the printer has a plurality of modes including a printer mode (**Col 5, Rows 43-44**) and a send mode (**Col 5, Rows 17-25 and Col 6, Rows 30-40**).

Alsop suggested that with the user inform of printing status over the network with information within the database, a network manager could instruct users to redirect print jobs during certain periods to avoid job delay times (**Col 9, Rows 18-23**). Thus, one of ordinary skill in the art at the time of the invention would've use a network printer similar to that of *Nakata* with a send mode such that print jobs can be redirected from one printer to another printer to avoid job delays if the first printer is busy processing another print job.

Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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